

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

POLY ARCH, INC.
License Number: 21-02-152601

and

MAXWELL JOHN HEIDERER
QUALIFYING OFFICER
License Number: 21-01-100286

File Numbers: 21-15-328240
21-15-328241

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On July 21, 2016, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging Poly Arch, Inc. and Maxwell John Heiderer (Respondents) with violating section(s) 604(c), 604(l), 2411(2)(e) and 2411(2)(j) of the Occupational Code, MCL 339.101 et seq.

Respondents neither admit nor deny the facts alleged in the Complaint, but agree that the Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) shall treat the allegations as true for purposes of this Consent Order and Stipulation (Order), which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations. The Board has reviewed this Order and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true, for the purposes of this Order, and constitute violation(s) of section(s) 604(c), 604(l), 2411(2)(e) and 2411(2)(j) of the Occupational Code, Supra.

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$1,250.00 to be paid to the state of Michigan within 30 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the state of Michigan, and the check or money order shall clearly display file numbers **21-15-328240** and **21-15-328241**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in SUSPENSION of all licenses and registrations held by Respondents and denial of all applications or renewal of all licenses and registrations until Respondents have fully complied with the terms of this Order.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

**MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS**

By: _____
Chairperson

Dated: 6-13-17

STIPULATION

1. Respondents neither admit nor deny the facts alleged in the Complaint, but agree that the Board shall treat the allegations as true, for purposes of this Order, which finding shall have the same force and effect as if evidence and argument were presented in support of them.

2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq.

4. Factors taken into consideration in the formulation of this Order are as follows:

Respondents denied misrepresentation and willful violation of local building laws and indicated they believed BK Builders, LLC could request the permit on Respondents' behalf since BK Builders, LLC was managing the project for Respondents.


The city of Plymouth issued Respondents, License-Registration No. RB 14—53, dated June 27, 2014, acknowledging them as a registered residential builder authorized to perform work in their community until May 31, 2017.

Respondents have been licensed as builders since 1999 and have had no prior disciplinary action.

5. This Order is approved as to form and substance by Respondents and the Department and may be entered as the final order of the Board in this matter.

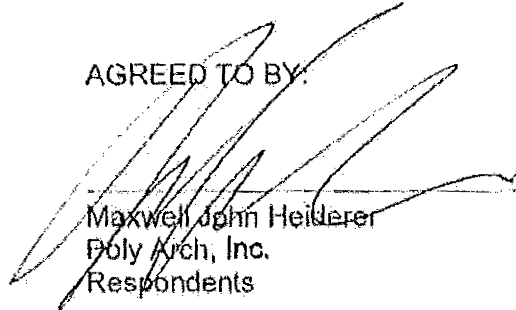
6. This proposal is conditioned upon acceptance by the Board. Respondents and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing

AGREED TO BY:

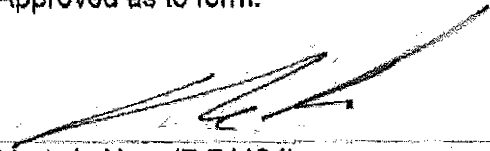


Maxwell John Heiderer
Poly Arch, Inc.
Respondents

Dated: 02/24/07

Dated: 2/2/07

Approved as to form:



Mark A. Nasr (P 74124)
Attorney for Respondents

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File Numbers: 21-15-328240
21-15-328241

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Poly Arch Inc., and Maxwell John Heiderer (Respondents) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, MCL 339.101 et seq. Pursuant to section 602 of the Occupational Code, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.
2. Respondents are licensed as residential builders in the state of Michigan.

3. On June 13, 2014, Brian Patrick Kelley, an unlicensed individual, acting as an owner/agent for BK Builders, entered into a contract with (Homeowner) to demolish an existing garage and build a new garage. Brian Patrick Kelly, an unlicensed individual, and Respondents agreed to a 50/50 split on the Homeowner's contract, whereby Brian Patrick Kelly would manage the labor and construction and Respondents would supervise the job site. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On June 27, 2014, Respondents allowed Brian Patrick Kelley to use Respondents' builder licenses to obtain a building permit. A copy of the building permit, marked Exhibit B, is attached and incorporated.

5. On December 10, 2015, Homeowner filed a Statement of Complaint with Complainant alleging Homeowner did not contract with Respondents and Respondents obtained a building permit through misrepresentations.

6. In Respondents written response to the allegations, Respondents admitted that they secured the building permit using Respondents' builder's license for Brian Patrick Kelley, an unlicensed builder.

COUNT I

Respondent's conduct, as described above, evidences acceptance or performance of a contract procured by a person not licensed under the Occupational Code, contrary to Michigan Administrative Code, R 338.1536, in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to section 2411(2)(e) of the Occupational Code, supra.

COUNT III

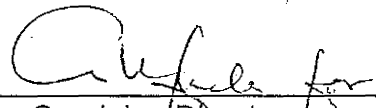
Respondents' conduct, as described above, evidences aiding or abetting an unlicensed entity or unlicensed person to evade Article 24, in violation of sections 2411(2)(j) and 604(l) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' decision to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondents' selection shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory

Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 7/21/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Poly Arch, Inc. and Maxwell John Heiderer, File Numbers 21-15-328240 and 21-15-328241, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

LFM